



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

ERIC PATRICK, <i>also known as Eric Lee</i>	§	
<i>Charles Patrick,</i>	§	
Plaintiff,	§	Civil Action No. 9:22-00160-MGL
	§	
vs.	§	
	§	
ROBERT E. WARD and CALVIN ANTHONY	§	
LEE,	§	
Defendants.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE**

Plaintiff Eric Patrick (Patrick), proceeding pro se, filed this complaint against Defendants Robert E. Ward and Calvin Anthony Lee, alleging violations of his constitutional rights.

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending this Court dismiss the complaint in this case without prejudice. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 31, 2022, and the Clerk of Court docketed Patrick's objections on April 7, 2022. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

This Court need not conduct a de novo review of the record "when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge's] proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). The Court reviews the Report and Recommendation only for clear error in the absence of specific objections. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record to accept the recommendation.") (citation omitted).

Here, Patrick has failed to present any specific objections to the Report. Patrick's objections amount to general disagreements with the Report's findings, and merely repeat claims the Magistrate Judge properly considered and addressed. The Court agrees with the Magistrate Judge's treatment of Patrick's complaint in her well-written and comprehensive Report. Thus, it need not repeat the discussion here.

Consequently, because Patrick neglects to make any specific objections, and the Court has found no clear error, it need not make a de novo review of the record before overruling Patrick's objections and accepting the Magistrate Judge's recommendation.

Further, inasmuch as the Magistrate Judge warned Patrick of the consequences of failing to file specific objections, Report at 3, he has waived appellate review. *See Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508–09 (6th Cir. 1991) (holding general objections are insufficient to preserve appellate review).

To the extent Patrick has brought any new arguments in his objections, they are conclusory and so lacking in merit as not to require any discussion. Patrick’s objections also fail to “satisfy[y] the requirements for proceeding with this case as set forth in the proper form Order.” Report at 2.

After a thorough review of the Report and the record in this case under the standard set forth above, the Court overrules Patrick’s objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court Patrick’s complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Signed this 24th day of June 2022, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.